REMARKS

The Amendments

Claim 1 is amended to incorporate the subject matter of claim 3 therein. The Office Action indicates that claim 3 would be allowable if rewritten in independent form; claim 1 is essentially such a rewritten claim. The remaining claims are amended to conform to this amendment and to address the 35 U.S.C. §112 rejection.

To the extent that the amendments avoid the prior art or for other reasons related to patentability, competitors are warned that the amendments are not intended to and do not limit the scope of equivalents which may be asserted on subject matter outside the literal scope of any patented claims but not anticipated or rendered obvious by the prior art or otherwise unpatentable to applicants. Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Rejection under 35 U.S.C. §112, second paragraph

The rejection of claims 6, 9 and 11-14 under 35 U.S.C. §112, second paragraph, is believed to be rendered moot by the above amendments. The claims now refer to the proper formulae having antecedent basis.

The Obviousness-type Double Patenting Rejection

The obviousness-type double patenting rejection is believed to be rendered moot. The rejection did not include claim 3 and the subject matter of claim 3 is now incorporated into the sole independent claim.

The Rejection under 35 U.S.C. §102

The 35 U.S.C. §102(e) rejection is believed to be rendered moot. The rejection did not include claim 3 and the subject matter of claim 3 is now incorporated into the sole independent claim.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

John A. Sopp, Reg. No. 33,103 Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza I 2200 Clarendon Blvd. Suite 1400 Arlington, Virginia 22201 Telephone: (703) 243-6333 Facsimile: (703) 243-6410

Date: July 14, 2004

Attorney Docket No.: MERCK-2286